

Christina Ctorides, Esq., Partner
* Admitted in NY & NJ

589 EIGHTH AVENUE - 21ST FLO OR NEW YORK, NY 10018 TEL: 800-784-5140 TEL: 212-596-7656 FAX: 212-221-3061

ChristinaC@LawJW.com

www.LawJW.com

PLEASE NOTE OUR NEW YORK ADDRESS

Monday, November 7, 2022

<u>Via E- Filing</u>

Judge Lorna G. Schofield

United States District Court, Southern District of New York
Thurgood Marshall, United States Courthouse
40 Foley Square
New York, NY 10007

Re: Hye, Patrick v. The United States of America

Docket No. 1:21-cv-06304 Our File No.: 21-001199

Dear Judge Schofield:

I represent the Plaintiff, Patrick Hye, in the aforementioned matter. I have conferred with my adversaries, counsel for Defendant USA and Defendant Tanweer, and submit this letter with their consent.

I am writing to request an extension of the fact discovery deadline in this matter from November 15, 2022 to January 15, 2023.

The Plaintiff, Patrick Hye was deposed over two sessions on September 13, 2022 and September 28, 2022. He was unable to complete the first session due to rising pain levels, resulting in our continuing his deposition with a second session a week later.

The Plaintiff's daughter, Karen Hye, took place today on November 7, 2022. Ms. Hye could not be produced earlier as Ms. Hye was in the process of moving from the West Coast back to New Jersey and was unavailable for deposition in October. We produced her as soon as she was settled in New Jersey and available.

Further, I have advised counsel for the Defendants USA and Tanweer that I wish to take the depositions of Dr. James Stone, Dr. Peter Rozman, Dr. Alexander Beric and Dr. Omar Tanweer. We are currently awaiting dates for those depositions.

In view of the above, it is requested that fact discovery be extended through January 15, 2023 so that the above depositions can be completed. I wish to advise the Court that I have a trial starting on November 14, 2022 which will last through the end of November. Thus, I am requesting an extension of fact discovery through January 15, 2023, so that we can schedule the Defendant Doctors' depositions on dates which are convenient to the physicians and their counsel while at the same time working around my trial schedule.

Thank you for your attention to this matter.

Respectfully yours,

Christina Ctorides

CC/ka

cc: David Farber, Esq. (Via ECF) Rachel Bloom, Esq. (Via ECF)

Application **DENIED**, without prejudice to renew. Discovery has been repeatedly extended in this case. Orders issued June 2, 2022, July 18, 2022, and August 3, 2022, stated no further extensions would be granted absent extraordinary circumstances. The parties' letter identifies no such circumstances.

By **November 15, 2022,** the parties may file a renewed application to extend discovery. Such letter shall state a firm date, agreeable to all counsel and the witness, on which each of the remaining depositions will be taken, if discovery is extended. Plaintiff's counsel shall also state whether the referenced physicians are fact witnesses, and if so, why their depositions were not scheduled with a view to meeting the November 15 fact discovery deadline.

Dated: November 9, 2022 New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE